

# House Study Bill 182

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
REBUILD IOWA AND DISASTER  
RECOVERY BILL BY  
CHAIRPERSON SCHUELLER)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to flood damage prevention and insurance.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
3 TLSB 2143HC 83  
4 tm/rj/8

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1 1 DIVISION I  
1 2 PUBLIC POLICY  
1 3 Section 1. LAND MANAGEMENT == PUBLIC POLICY. It is the  
1 4 policy of this state that the land in watersheds and  
1 5 floodplains should be managed to reduce flooding, reduce flood  
1 6 damage, ameliorate the effects of drought, improve water  
1 7 quality, improve habitat and the natural environment, increase  
1 8 renewable energy production, and enhance economic and  
1 9 recreational opportunities.

1 10 DIVISION II  
1 11 URBAN WATER CONSERVATION STANDARDS  
1 12 Sec. 2. Section 8A.321, subsection 7, Code 2009, is  
1 13 amended by adding the following new paragraph:  
1 14 NEW PARAGRAPH. c. For real property projects beginning  
1 15 construction on or after January 1, 2010, a project must  
1 16 incorporate applicable urban water conservation standards  
1 17 adopted pursuant to section 455B.277A.  
1 18 Sec. 3. NEW SECTION. 15A.5 ECONOMIC DEVELOPMENT  
1 19 FINANCIAL ASSISTANCE == URBAN WATER CONSERVATION STANDARDS.  
1 20 Financial assistance for economic development shall not be  
1 21 given for purposes of a vertical infrastructure project unless  
1 22 the project incorporates applicable urban water conservation  
1 23 standards adopted pursuant to section 455B.277A. For purposes  
1 24 of this section, "vertical infrastructure" means the same as  
1 25 defined in section 8.57, subsection 6, paragraph "c". This  
1 26 section applies to projects that begin construction on or  
1 27 after January 1, 2010.

1 28 Sec. 4. Section 262.9, subsection 4, Code 2009, is amended  
1 29 to read as follows:

1 30 4. Manage and control the property, both real and  
1 31 personal, belonging to the institutions. ~~The board shall~~  
~~1 32 purchase. For any construction project beginning on or after~~  
~~1 33 January 1, 2010, the project must incorporate applicable urban~~  
~~1 34 water conservation standards adopted pursuant to section~~  
~~1 35 455B.277A.~~

2 1 4A. Purchase or require the purchase of, when the price is  
2 2 reasonably competitive and the quality as intended,  
2 3 soybean-based inks. All inks purchased that are used  
2 4 internally or are contracted for by the board shall be  
2 5 soybean-based to the extent formulations for such inks are  
2 6 available.

2 7 a. The department of natural resources shall review the  
2 8 procurement specifications currently used by the board to  
2 9 eliminate, wherever possible, discrimination against the  
2 10 procurement of products manufactured with soybean-based inks.

2 11 b. The department of natural resources shall assist the  
2 12 board in locating suppliers of recycled content products and  
2 13 soybean-based inks and collecting data on recycled content and  
2 14 soybean-based ink purchases.

2 15 c. The board, in conjunction with the department of  
2 16 natural resources, shall adopt rules to carry out the  
2 17 provisions of this ~~section~~ subsection.

2 18 d. The department of natural resources shall cooperate

2 19 with the board in all phases of implementing this section  
2 20 subsection.

2 21 Sec. 5. NEW SECTION. 455B.277A URBAN WATER CONSERVATION  
2 22 STANDARDS.

2 23 1. By January 1, 2010, the department of natural  
2 24 resources, in cooperation with the department of agriculture  
2 25 and land stewardship, shall adopt urban water conservation  
2 26 standards designed to limit water runoff, reduce future flood  
2 27 damage, and improve water quality.

2 28 2. All cities and counties shall adopt development  
2 29 standards to incorporate urban water conservation standards  
2 30 adopted pursuant to subsection 1 and limit development in  
2 31 flood plains. A city or county shall not allow development in  
2 32 an area located in a five hundred year flood plain as  
2 33 determined by the federal emergency management agency unless  
2 34 the development is designed to mitigate future flood damage.

2 35 3. All cities and counties shall do the following:

3 1 a. Only provide public funding for projects that conform  
3 2 to urban water conservation standards.

3 3 b. Only provide tax increment financing for projects that  
3 4 conform to urban water conservation standards.

3 5 DIVISION III

3 6 FLOOD INSURANCE

3 7 Sec. 6. NEW SECTION. 455B.262A NATIONAL FLOOD INSURANCE  
3 8 PROGRAM.

3 9 All cities in this state shall meet the requirements for  
3 10 participation in the national flood insurance program on or  
3 11 before July 30, 2011. The department shall assist cities with  
3 12 developing and administering local flood plain management  
3 13 programs and with otherwise meeting the requirements for  
3 14 participation in the national flood insurance program. A city  
3 15 may apply to the department for a waiver from the  
3 16 participation requirements in this section. The department  
3 17 shall grant a waiver if it is determined by the department  
3 18 that the city is not susceptible to flood damage.

3 19 Sec. 7. NEW SECTION. 505.41 FLOOD INSURANCE.

3 20 By January 1, 2010, a person owning property in a five  
3 21 hundred year flood plain as determined by the federal  
3 22 emergency management agency shall purchase insurance providing  
3 23 coverage against direct or indirect or consequential loss or  
3 24 damage, including loss of use or occupancy and the  
3 25 depreciation of property lost or damaged by flood unless the  
3 26 owner submits a certificate of self-insurance to the  
3 27 commissioner of insurance for approval. The commissioner of  
3 28 insurance shall develop the form, submission procedure, and  
3 29 approval process for certificates of self-insurance.

3 30 Sec. 8. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
3 31 3, shall not apply to this division of this Act.

3 32 EXPLANATION

3 33 This bill relates to flood damage prevention and insurance.

3 34 DIVISION I. Division I of the bill states general public  
3 35 policy for land management.

4 1 DIVISION II. Division II of the bill relates to urban  
4 2 water conservation standards.

4 3 The division requires the department of natural resources,  
4 4 in cooperation with the department of agriculture and land  
4 5 stewardship, to adopt urban water conservation standards  
4 6 designed to limit water runoff, reduce future flood damage,  
4 7 and improve water quality. The division requires all cities  
4 8 and counties to adopt development standards to incorporate  
4 9 urban water conservation standards and limit development in  
4 10 flood plains. The division prohibits a city or county from  
4 11 allowing development in an area located in a 500 year flood  
4 12 plain unless the development is designed to mitigate future  
4 13 flood damage. The division requires cities and counties to  
4 14 only provide public funding for projects that conform to urban  
4 15 water conservation standards and only provide tax increment  
4 16 financing for projects that conform to urban water  
4 17 conservation standards.

4 18 The division requires construction projects beginning on or  
4 19 after January 1, 2010, that are coordinated by the department  
4 20 of administrative services to incorporate applicable urban  
4 21 water conservation standards.

4 22 The division requires that financial assistance for  
4 23 economic development shall not be given for purposes of a  
4 24 vertical infrastructure project unless the project  
4 25 incorporates applicable urban water conservation standards.  
4 26 This requirement applies to projects that begin construction  
4 27 on or after January 1, 2010.

4 28 The division requires construction projects beginning on or  
4 29 after January 1, 2010, that are under the control of the state

4 30 board of regents to incorporate applicable urban water  
4 31 conservation standards.  
4 32 DIVISION III. Division III of the bill relates to flood  
4 33 insurance.  
4 34 The division requires all cities in this state to meet the  
4 35 requirements for participation in the national flood insurance  
5 1 program on or before July 30, 2011. The division allows the  
5 2 application for a waiver from this requirement if the city  
5 3 demonstrates to the department of natural resources that the  
5 4 city is not susceptible to flood damage.  
5 5 The division requires a person owning property in a 500  
5 6 year flood plain to purchase insurance providing coverage  
5 7 against flood damage unless the owner submits a certificate of  
5 8 self-insurance to the insurance commissioner for approval.  
5 9 The division requires the insurance to be purchased by January  
5 10 1, 2010.  
5 11 The division may include a state mandate as defined in Code  
5 12 section 25B.3. The division makes inapplicable Code section  
5 13 25B.2, subsection 3, which would relieve a political  
5 14 subdivision from complying with a state mandate if funding for  
5 15 the cost of the state mandate is not provided or specified.  
5 16 Therefore, political subdivisions are required to comply with  
5 17 any state mandate included in the division.  
5 18 LSB 2143HC 83  
5 19 tm/rj/8